UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/766,723	MARKEL, STEVEN O.
	Examiner	Art Unit
	David Faber	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 August 2006_.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-26_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-26_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _07 August 2006_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed 7 August 2006.

This action is made Non-Final.

2.   Claims 1, 8, 10, 11, 13, 14, 15, 16, 17, 18, and 23 have been amended. Claim 2

has been cancelled.

3.   The rejection of Claims 13 and 18 under 112 second paragraph have been

necessitated by the amendment. The objection of Claim 23 has been necessitated by

the amendment.

4.   Claims 1-26 are pending. Claims 1, 8, 10, 11, 13, 14-17, and 26 are independent

claims.

Drawings

5.   The replacement drawing for Figure 4 filed on 7 August 2006 now make the

drawings filed on 20 October 2004 accepted.

Claim Rejections - 35 USC § 112

6.   Claims 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

7.   Claim 1 recites the limitation "rendering said descriptor if descriptors are enabled

" in line 6. Examiner is unsure if the second usage of descriptors, in the limitation are its

own identity or referring its dependence of the descriptors previously introduced in the

claim limitation presented before in line 5. There is insufficient antecedent basis for this limitation in the claim.

8.   Claim 8 recites the limitation "selecting a descriptor" in line 7. There is insufficient antecedent basis for this limitation in the claim. Examiner is unsure if the descriptor is its own identity or referring the already defined descriptors in line 5. Thus, there is insufficient antecedent basis for this limitation in the claim.

9.   Claim 11 recites the limitation "selecting a descriptor" in line 9. There is insufficient antecedent basis for this limitation in the claim. Examiner is unsure if the descriptor is its own identity or referring the already defined descriptors in line 5. Thus, there is insufficient antecedent basis for this limitation in the claim.

10.   Claim 13 recites the limitation "selecting a descriptor" in line 10. There is insufficient antecedent basis for this limitation in the claim. Examiner is unsure if the descriptor is its own identity or referring the already defined descriptors in line 5. Thus, there is insufficient antecedent basis for this limitation in the claim.

11.   Claim 17 recites the limitation "selecting a descriptor" in line 6. There is insufficient antecedent basis for this limitation in the claim. Examiner is unsure if the descriptor is its own identity or referring the already defined descriptors in line 4. Thus, there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13.   Claims 1, 3-4, 6-9, 17-19, 22, and 26 remain rejected under 35 U.S.C. 102(b) as

being anticipated by Shah et al (WO 01/20466 A1, published 3/22/2001).

As per independent Claim 1, Shah et al discloses a method comprising:

- receiving said streaming media presentation (Page 5, lines 18-21; Page 6,

  lines 20-22)

- accessing descriptor information and determining if descriptors are enabled;

  (Page 10, lines 9-25 : An author accesses different type of annotations for

  videos , and inputs which video annotations are to be included into the video

  through an control stream. Since an author programmed instructions for

  annotations to appear on the video, the author determined for the annotations

  when to appear when the video stream is synchronized with the control

  stream and is played. (Page 12, line 15 – Page 14, line 5)

- rendering said descriptor if descriptors are enabled; (Page 13, line 29-Page

  14, line 5)

- executing a software routine if an interactive access point is enabled for said

  descriptor and a corresponding user input is received; and (Page 14, line 6-

  10: The user moves the mouse over the GIF, and as a result, the GIF is

terminated where a signal is sent to the server. The server responds with new

data where a new GIF appears on the video. In order for signals to transfer

and GIF to appear/disappear, software functionality is necessary.)

- discontinuing display of the descriptor if an end display condition has

  occurred. (Page 14, lines 9-22: Discloses multiple displays of annotations

  disappearing after a condition has been met: (1) A mouse-over which results

  of the original GIF to terminated for a new GIF to appear in its place, (2) A

  GIF terminated based on timed condition if user fails to responds. (3) A

  sequence where a GIF is programmed to terminate and a new GIF is to

  reappear, automatically when a scene changes.

- wherein the rendering of said descriptor further comprises rendering said

  descriptor in a position that provides an association with a streaming media

  image element. (Page 13, line 29-Page 14, line 5: A GIF has been

  programmed to be "swimming" within the stream boundaries in the video

  sequence contain the stream; Page 15, lines 22-24; Page 14, lines 27-Page

  15, line 11: Information block appears to another specific location in the video

  wherein the block contains text information relevant to the streaming image

  element. Page 13, lines 24-28)

- the descriptor comprises text information related to the streaming media

  image element (Page 14, lines 27-Page 15, line 11: Information block

  appears to another specific location in the video wherein the block contains

  text information. Page 15, lines 22-24)

As per dependent Claim 3, Shah et al discloses a method further comprising:

- rendering an indication that descriptors are available and enabling said
  descriptors if a predetermined user response to said indication is received.
  (Page 15, lines 20 - 30: Discloses an icon and/or text regarding weather is
  available when clicked or mouse-over. When the user performs either action
  that corresponds to the annotation, other icons, logos, or GIFs appear to the
  user response displaying information about the weather based on the user
  response indication.)

As per dependent Claim 4, Shah et al discloses a method where said indication
is a icon displayed within a streaming media image (Page 13, line 29-Page 14,
line 5: Discloses a fish fin being displayed; Page 15, lines 20 – 30: discloses text
icon indicating a weather update)

As per dependent Claims 6 and 7, Shah et al discloses a method further
comprising :

- Rendering an association indicator wherein the association indicator
  comprises changing the location of said association indicator to reflect a
  change in position of an image element. (Page 10, lines 12-19: Discloses
  associating a moving image entity in a primary video with a hyperlink by
  tracking the image and including coordinates of the image entity in the

annotation data. In addition, icons may move with the tracked entities thus

change location based on the position of the moving image entity.)

As per dependent Claim 8, Claim 8 recites similar limitations as in Claim 1 and is

similarly rejected under rationale. Furthermore, Shah et al discloses a method

comprising:

- Receiving pointing device position information and selecting a descriptor form

  said descriptor information using said position information (Page 14, lines 5-

  22: Discloses a viewer moving a cursor over the GIF that interacts with the

  hyperlink. When the cursor mouse-overs the GIF, a signal is sent to the

  server in which sends a new signal to display a new GIF. In the other words,

  when the user moves the cursor over the GIF, the user is selecting the

  descriptor and at the same time receiving the cursor position information

  indicating the cursor was over the GIF in order for the mouse-over to occur.)

- rendering the selected descriptor in a predetermined position associated with

  the streaming media image element, such that the descriptor does not

  obscure important streaming media presentation content; (FIG 3C-D; Page

  14, line 27 – Page 15, lines 9-15, 22-25: Programmed to be placed moving

  around within set boundaries within the image. In addition, when the

  information block appears, it does not obscure from important streaming

  media presentation content since its placed a specified location.)

As per dependent Claim 9, Claim 9 recites similar limitations as in Claim 1 and is similarly rejected under rationale.

As per independent Claim 17, Claim 17 recites similar limitations as in Claim 1 and is similar rejected under rationale. Furthermore, Shah et al discloses a unit that receives a streaming media presentation. (Page 13, lines 24-29). In addition, it is necessary for computer program code to be present in order for the receiver to perform the functionality of Claim 1's limitations.

As per independent Claim 18, Claim 18 recites similar limitations as in Claims 1 and 17 and is similar rejected under rationale. Furthermore, Shah et al discloses executing a hotlink if said interactive access point is enabled and said interactive access point event as occurred. (Page 14, lines 1-11)

As per independent Claim 19, Claim 19 recites similar limitations as in Claims 8 and 17 and is similar rejected under rationale.

As per independent Claim 22, Claim 22 recites similar limitations as in Claims 6, 7 and 17 and is similar rejected under rationale.

As per independent Claim 26, Claim 26 recites similar limitations as in Claims 1, and 17 and is similar rejected under rationale.

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al (WO 01/20466 A1, published 3/22/2001).

As per dependent Claim 5, Shah et al disclosed his embodiments of hyperlink authoring involve interactive, animated graphics, (Page 10, lines 20-25) but fails to specifically disclose said indication is an audible signal. However, Shah et al discloses that hyperlink authoring may also include audio annotations (Page 3, lines 11-16) It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have Shah et al's method use audio annotations since it would have provide the benefit of audio used to describe elements within the media or set used the overall tone.

16.   Claims 10-12, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al (WO 01/20466 A1, published 3/22/2001) in further view of Shema et al (US Patent #6,766,331, filed 10/4/2001).

As per independent Claim 10, Claim 10 recites similar limitations as in Claim 8, and is similarly rejected under rationale. Furthermore, Shah et al discloses a method comprising receiving a user input (Page 14, lines 6-8: receiving an input by a mouse-over, or by clicking)

However, Shah et al fails to specifically disclose highlighting at least one streaming media image element. However, Shema et al discloses a practice when a element or area in a graphics that is visually emphasized when a mouse brushes over

the area or element. It would have been obvious to one of ordinary skill in the art at the

Applicant's invention to have combined Shah et al method's with Shema et al's method

since it would provided the benefit of focusing on hotspots to bring attention to that

particular element during presentations.

As per independent Claim 11, Claim 11 recites similar limitations as in Claims 8

and Claims 10 and is similar rejected under rationale.

As per dependent Claim 12, Claim 12 recites similar limitations as in Claim 1 and

is similarly rejected under rationale.

As per independent Claims 20 and 23, Claims 20 and 23 recite similar limitations

as in Claims 11 and 17 and are similar rejected under rationale.

17.   Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shah et al (WO 01/20466 A1, published 3/22/2001) in further view of Efrat et al

(US Patent #6,570,587, filed 6/25/1997).

As per independent Claim 13, Claim 13 recites similar limitations as in Claims 8

and is similar rejected under rationale. Furthermore, Furthermore, Shah et al discloses

a method comprising receiving a user input (Page 14, lines 6-8: receiving an input by a

mouse-over, or by clicking)

However, Shema et al fails to specifically disclose altering the appearance of a

displayed cursor if said cursor position corresponds to a streaming media image

element for which a descriptor is available. However, Efrat et al discloses using a

playing of a video when a user places a pointer over a hotspot in the video, the cursor

may change. (Column 3, lines 57-64; Column 28, lines 1-5)

It would have been obvious to one of ordinary skill in the art at the Applicant's

invention to have combined Shah et al method's with Efrat et al's method since it would

provided the benefit of identifying hotspots that contain hyperlinks in multimedia.

As per independent Claim 21, Claim 21 recites similar limitations as in Claims 13

and 17 and is similar rejected under rationale.

18.   Claims 14-16,and 24-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shah et al (WO 01/20466 A1, published 3/22/2001) in further view of

Java Boutique (Java Boutique, "The Java Boutique -Imap.java", pp1-2).

Examiner provides screen printouts of IMap.java imagemap as evidence to

overcome the limitations and additionaly provides a printout of IMap page on Java

Boutique, May 14, 1998, as evidence that IMap page was widely available as of May

14, 1998.

As per independent Claim 14, Claim 14 recites similar limitations as in Claims 1

and is similar rejected under rationale.   Furthermore, Shah et al fails to specifically

disclose displaying a streaming media image element identifier in a first screen position

within a streaming image and displaying a descriptor associated with said media image

element in a second screen position. However, Java Boutique discloses an imagemap

created by Mike Hall that displays multiple shapes as element identifiers throughout the

image. (Page 1) When a cursor is placed over one of the identifiers, a textual box

displays in a different position adjacent to the identifier. (Page 3) It would have been obvious to have combined Shah et al's method with Java Boutique's disclosure of interactive imagemaps since it would have provided a user the ability to show descriptive or help information about an particular element adjacent or near the element in an image or video.

As per independent Claim 15, Claim 15 recites similar limitations as in Claims 14 and is similar rejected under rationale. Furthermore, Shah et al fails to specifically disclose displaying a descriptor associated with said media image element identifier in a predetermined position at least partially overlapping said streaming media image and updating said descriptor in response to a user input associated with said streaming media image element identifier. However, Java Boutique discloses an imagemap created by Mike Hall that displays multiple shapes as element identifiers throughout the image. (Page 1) When a cursor is placed over one of the identifiers, a textual box displays in a different position adjacent to the identifier that overlaps part of the image. (Page 4, 6) In addition, when one moves the cursor off the identifier, the text box disappears from overlapping the image. (Page 3-6) This process repeats for each identifier programmed to display text boxes when the cursor is place on and off the identifiers. It would have been obvious to have combined Shah et al's method with Java Boutique's disclosure of interactive imagemaps since it would have provided a user the ability to show descriptive or help information about an particular element adjacent or near the element in an image or video.

As per independent Claim 16, Claim 16 recites similar limitations as in Claim 15

and is similarly rejected under rationale. Furthermore, Shah et al and Java Boutique fail

to specifically disclose dynamically associating the streaming media image element

identifier with a second streaming media image element in response to scene changes,

and updating the descriptor to display information associated with the second streaming

media image element. However, Shah et al discloses an embodiment where an

interactive GIF that contains an hyperlink that disappears when a scene changes where

a new interactive and animated GIF associating appears with the new scene. (Page 14,

lines 7-22) In conjunction with Java Boutique's disclosure of graphics being identifiers

that hyperlink to a text box when a cursor is over the graphic/identifier, it would have

been obvious to one of ordinary skill in the art at the time of Applicant's invention to

have combined Shah et al's scene change with new graphics with java Boutique's

discloses of identifiers and textual boxes within imagemaps since it would have

provided a user the ability to show descriptive or help information about an particular

element adjacent or near the element in an image or video through multiple scenes.

As per independent Claim 24, Claim 24 recites similar limitations as in Claims 14

and 17 and is similar rejected under rationale.

As per independent Claim 25, Claim 25 recites similar limitations as in Claims 15

and 17 and is similar rejected under rationale.

Response to Arguments

19.   Applicant's arguments, see Paragraph 1, filed 7 August 2006 in regards to failing

to address claim 26 in the previous Office Action, with respect to Claim 26 have been

fully considered and are persuasive. Thus, a new, non-final Office action has been

granted.

20.   Applicant's arguments filed 7 August 2006 have been fully considered but they

are not persuasive.

In regards to claim 1 and respective claims, Applicant argues Shah et al does not

disclose "rendering of said descriptor further comprises rendering said descriptor in a

position that provides an association with a streaming media image element, and the

descriptor comprises text information related to the streaming media image element."

Shah does not disclose or suggest such features." However, Examiner disagrees. Shah

et al discloses in Page 15, lines 22-24; Page 14, lines 27-Page 15, line 11, that the an

Information block appears to another specific location in the video wherein the block

contains text information wherein the streaming video clip of a vacation location being

offered from the travel agency (Page 13, lines 24-28). The information block contains

text information associated with the vacation location such as accommodation

availability and pricing, etc; therefore, associated with the streaming image element.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Faber whose telephone number is 571-272-2751.

The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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